

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMARY SUIT NO.3721 OF 2003

Mukesh B. Shah ... Plaintiff

V/s.

Dungarshi Rayshi Chheda ... Defendant

Ms.N.Solanki i/b Kiran Jain & Co. for Plaintiff

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **MARCH 6, 2006**

P.C.:

. By an order dated 23.8.2005, this Court in Summons for Judgment No.1154 of 2003 directed the defendant to deposit a sum of Rs.1 lac within failing which the plaintiff would be entitled to a decree. The Plaintiff has obtained a certificate from the Prothonotary and Senior Master certifying that the amount as directed in the Summons for Judgement No.1154 of 2003 has not been deposited in this Court.

2. In view of this, the plaintiff is entitled to decree. The plaintiff has produced on record the original order dated 1.7.2001 and the demand notice dated 12.9.2003 alongwith the proceeding. The defendant having failed to deposit the amount as directed, the Plaintiff is entitled to decree as prayed for.

3. The Plaintiff has filed a compilation of documents which is taken on record and marked 'Exhibit A' collectively. The documents filed are the original promissory note dated 1.7.2001 and a copy of the demand notice dated 12.9.2003.

4. Suit is decreed in terms of prayer clauses (a) and (b).

5. Refund of Court fee as per Rules.